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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,417	09/18/2001	George Washington Baughman III	KEG 2-001	1087

7590

04/20/2004

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EXAMINER
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A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/955,417

Applicant(s)

BAUGHMAN ET AL.

Examiner

Phi D A

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*MM*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool (2638636) in view of Feleppa (5700102), Thornton (3673720), Reilley et al (5120941), Glass, (Flea Market Slide Show, see article), Howes Jr. (3982758) and Barnes (3940139).

Per claims 1, 17, Pool shows merchandise having given trade dress at an outdoor paved surface being presented, a retailing geometric boundary (34) at the paved surface, merchandise information signage displaced to advertise the merchandise (col 3 lines 65-72 and col 6 line 25), a cash/wrap region (12-20) adjacent the shopper aisle, the signage being at shopper's line of sight (col 3 lines 632-63), merchandise being located in correspondence with the merchandise information signage (col 3 lines 67-70), bays/niche containing merchandise.

Pool does not show a plurality of anchors about the boundary extending below the surface and mutually spaced apart to establish bay distances, each said anchor having a vertically disposed sleeve having a support distance located below the paved surface, a plurality of first poles having ends inserted into the sleeve, overhead signage extending downwardly from the from the signage support within a shopper line of sight region to a lower border adjacent a bay access elevation above the surface, the poles within the sleeves defining a retail floor, interconnecting the pole tops with horizontally disposed signage support to define a three dimensional retailing region with a select number of merchandising bays extending adjacent the

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poles from at least a portion of the geometric boundary to the shopper aisle, suspending merchandise information signage from the signage support at said boundary along the bays, positioning the merchandise within the bay/niche below the bay access elevation.

Feleppa (figure 88) shows a market place having a plurality of poles forming a retail area, the poles extending from the ground to a top.

Reilley et al (figures 1-2) shows a retail area having bays with merchandise and signage (50) hanging from the signage support supporting merchandise information (54), positioning the merchandise within the bay/niche below the bay access elevation.

Thornton (figure 1) shows a plurality of poles extending into sleeves (57) in the ground to support the poles, the poles being connected at the tops (34) with signage.

Glass discloses banner being made of nylon.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool to show a plurality of anchors about the boundary extending below the surface and mutually spaced apart to establish bay distances, each said anchor having a vertically disposed sleeve having a support distance located below the paved surface, a plurality of first poles having ends inserted into the sleeve, overhead signage extending downwardly from the from the signage support within a shopper line of sight region to a lower border adjacent a bay access elevation above the surface, the poles within the sleeves defining a retail floor, interconnecting the pole tops with horizontally disposed signage support to define a three dimensional retailing region with a select number of merchandising bays extending adjacent the poles from at least a portion of the geometric boundary to the shopper aisle, suspending merchandise information signage from the signage support at said boundary along the bays,

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positioning the merchandise within the bay/niche below the bay access elevation because having a plurality of poles extending into anchors/sleeves in the ground to define a retail area would provide for easy and quick assembly of the retail boundary as taught by Thornton and Feleppa, overhead signage extending downwardly from the from the signage support within a shopper line of sight region to a lower border adjacent a bay access elevation above the surface would allow for the easy advertisement of the available products as taught by Thornton and Glass, having a plurality of merchandising bays extending adjacent the poles and suspending merchandise information signage from the signage support at said boundary along the bays would enable the separate advertisement of the available merchandise as taught by Thornton and "Flea Market Slide Show", and positioning the merchandise within the bay/niche below the bay access elevation would enable easy showing and storing of the display merchandise.

Pool as modified shows all the claimed limitations. The claimed method steps of presenting merchandise would have been the obvious method steps of presenting Pool's merchandise.

Per claims 2-3, Pool as modified shows all the claimed limitations except for the flags being supported on the poles, the flag assemblies being provided as pennants formed with nylon.

Feleppa further shows flags being supported on the poles (31) to attract people's attention to the market, the flags being pennants (figure 88, the right flag).

Glass discloses banner made of nylon.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool's modified structure to show the flags being supported on the poles because having flags on the poles would attract people's attention to the installation and thus

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enhance sales of product as taught by Feleppa, and having the flags as pennants formed with nylon would have been obvious as pennants is a well-known flag shape and nylon is a well known flag material as shown by Glass.

Pool as modified shows all the claimed limitations. The claimed method steps of presenting merchandise would have been the obvious method steps of presenting Pool's merchandise.

Per claim 4, Pool as modified shows all the claimed limitations except for the shelter being canopy.

"Flea Market Slide Show" shows a canopy covering a market place to provide shelter.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool's modified structure to show the shelter being canopy because a canopy is well known in the art for covering an outdoor cashier area as taught by "Flea Market Slide Show".

Pool as modified shows all the claimed limitations. The claimed method steps of presenting merchandise would have been the obvious method steps of presenting Pool's merchandise.

Per claims 5-6, Pool as modified shows all the claimed limitations except for the step of suspending the merchandise information signage establishing the bay access elevation as about eight feet, the sight height having a range of between 10 feet to 12 feet.

"Flea Market Slide Show" shows a signage "Cigars" being about 10-12 feet to advertise a product below.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pools' modified structure to show the step of suspending the merchandise information signage establishing the bay access elevation as about eight feet, the sight height having a range of between 10 feet to 12 feet because having the bay access elevation about eight feet provide for an easy and unrestricted access area below the bay for merchandise, and having the sight height having a range of between 10 feet to 12 feet would enable a person to view the signage without having to look too far up and thus increases a person's willingness to read the signage for information as taught by "Flea Market Slide Show".

Pool as modified shows all the claimed limitations. The claimed method steps of presenting merchandise would have been the obvious method steps of presenting Pool's merchandise.

Per claim 7, Pool as modified shows all the claimed limitations except for the step of spacing the anchors about 3 feet to 20 feet.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool's modified structure to show the spacing of the anchors about 3 feet to 20 feet because it would allow for sufficient space to position outdoor merchandise.

Pool as modified shows all the claimed limitations. The claimed method steps of presenting merchandise would have been the obvious method steps of presenting Pool's merchandise.

Per claim 8, Pool as modified shows all the claimed limitations except for a plurality of covers each being extensible over a said anchor sleeve adjacent the surface, the cover covering the sleeve when the sleeve is not engaged with the pole.

Howes Jr. shows a plurality of covers (14) covering a plurality of sleeves when the sleeve is not engaged with the poles to cover the holes against debris and people tripping.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pools' modified structure to show a plurality of covers each being extensible over a said anchor sleeve adjacent the surface, the cover covering the sleeve when the sleeve is not engaged with the pole because it would allow for the covering of the anchoring sleeve once the poles are removed, and covering the sleeves would prevent any tripping over the hole in the sleeve and protect the sleeve against water and rain as taught by Howes Jr.

Pool as modified shows all the claimed limitations. The claimed method steps of presenting merchandise would have been the obvious method steps of presenting Pool's merchandise.

Per claim 9, Pool as modified shows all the claimed limitations except for the shopper aisle, the entrance region, and the exit region having widths of about 10 feet.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pools' modified structure to show the shopper aisle, the entrance region, and the exit region having widths of about 10 feet because it would ensure the easy passage of cars in the store.

Pool as modified shows all the claimed limitations. The claimed method steps of presenting merchandise would have been the obvious method steps of presenting Pool's merchandise.

Per claim 10, Pool as modified shows all the claimed limitations except for a tensioned cable assembly as said horizontally disposed signage support.



Barnes shows a tensioned cable assembly (the assembly for cable 12, figure 1) keeping the line taut between poles to support a sheet (the net).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pools' modified structure to show a tensioned cable assembly as taught by Barnes as said horizontally disposed signage support because a tensioned cable assembly would provide for easy supporting and tensioning of the support for supporting the signage.

Pool as modified shows all the claimed limitations. The claimed method steps of presenting merchandise would have been the obvious method steps of presenting Pool's merchandise.

Per claim 11, Pool as modified shows all the claimed limitations except for a horizontally disposed lower signage support interconnecting a said pole with said next adjacent pole at about the bay access elevation, coupling the horizontally disposed lower signage support with the signage adjacent the lower border.

Duarte page 2 discloses banner being supported on cable snaps on both the top and bottom edges of the banner.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool's modified structure to show a horizontally disposed lower signage support interconnecting a said pole with said next adjacent pole at about the bay access elevation, coupling the horizontally disposed lower signage support with the signage adjacent the lower border as taught by Duarte because a lower signage interconnecting the poles at about the bay access elevation and adjacent the lower border would enable a customer to distinguish and identify the merchandise beneath the bay access elevation.

Pool as modified shows all the claimed limitations. The claimed method steps of presenting merchandise would have been the obvious method steps of presenting Pool's merchandise.

Per claim 12, Pool as modified shows all the claimed limitations except for break away couplers coupling the signage support.

Duarte page 2 discloses banner being supported on cable snaps on both the top and bottom edges of the banner.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool's modified structure to show break away couplers coupling the signage support as taught by Duarte because break away couplers coupling the signage support would allow the support to break away preventing damage to the signage and people who accidentally bumps against the structure once a maximum amount of allowable force is exceeded.

Pool as modified shows all the claimed limitations. The claimed method steps of presenting merchandise would have been the obvious method steps of presenting Pool's merchandise.

Per claim 13, Pool as modified shows all the claimed limitations except for a tensioned cable assembly supporting the signage.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool's modified structure to show a tensioned cable assembly supporting the signage because a tensioned cable assembly would provide for easy supporting and tensioning of the support for supporting the signage.

Pool as modified shows all the claimed limitations. The claimed method steps of presenting merchandise would have been the obvious method steps of presenting Pool's merchandise.

Per claims 14-15, Pool as modified shows all the claimed limitations except for two said anchors adjacent the boundary mutually spaced apart a banner width distance, two second poles each having an insertion end configured for slidable insertion to the extent of the support distance within a said sleeve of one of the two anchors, the second poles being extensible when inserted within a said sleeve, the second pole height from the surface to a second pole top greater than the overhead signage sight height, an upper banner support assembly extensible between the two second poles, removably horizontally coupling the upper banner support assembly between the two second poles adjacent the second pole tops, suspending a remotely viewable banner from the upper banner support, two said anchors adjacent the boundary locates the two anchors adjacent the entrance region.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool's modified structure to show two said anchors adjacent the boundary mutually spaced apart a banner width distance, two second poles each having an insertion end configured for slidable insertion to the extent of the support distance within a said sleeve of one of the two anchors, the second poles being extensible when inserted within a said sleeve, the second pole height from the surface to a second pole top greater than the overhead signage sight height, an upper banner support assembly extensible between the two second poles, removably horizontally coupling the upper banner support assembly between the two second poles adjacent the second pole tops, suspending a remotely viewable banner from the upper banner support, two

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said anchors adjacent the boundary locates the two anchors adjacent the entrance region because having two poles taller than the signage support at the entrance supported in sleeve with upper banner coupled to the two poles would allow a potential customer to view the installation at a distance and be attracted and enters the installation, and thus resulting in better sales.

Pool as modified shows all the claimed limitations. The claimed method steps of presenting merchandise would have been the obvious method steps of presenting Pool's merchandise.

Per claim 16, Pool as modified shows all the claimed limitations except for the step of providing a plurality of anchors having a base plate at an elevation with respect to the paved surface to effect a linear alignment of the first pole tops.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool's modified structure to show the step of providing a plurality of anchors having a base plate at an elevation with respect to the paved surface to effect a linear alignment of the first pole tops because it would enable the tops of the poles to have the same height which would result in aesthetic appearance for the retail store.

Pool as modified shows all the claimed limitations. The claimed method steps of presenting merchandise would have been the obvious method steps of presenting Pool's merchandise.

3. Claims 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool (2638636) in view of Feleppa (5700102), Thornton (3673720), Reilley et al (5120941), Flea Market Slide Show (see article), Howes Jr. (3982758), and Barnes (3940139).

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Pool shows merchandise having given trade dress at an outdoor paved surface being presented, a retailing geometric boundary (34) at the paved surface, merchandise information signage displaced to advertise the merchandise (col 3 lines 65-72), a cash/wrap region (12-20) adjacent the shopper aisle, the signage being at shopper's line of sight (col 3 lines 632-63), merchandise being located in correspondence with the merchandise information signage (col 3 lines 67-70), bays/niche containing merchandise.

Pool does not show a plurality of anchors fixed beneath the surface in a geometric pattern within the retail region boundary, at least two of the anchors being mutually spaced apart a bay distance, each of the anchor having a vertically disposed sleeve having a support distance located below the surface and extending to an engagement surface, a plurality of first poles of first height, each pole having a top and an insertion end slidably inserted in the sleeve, the insertion end being in freely abutable contact with the sleeve engagement surface, the poles defining a merchandising region exhibiting an entrance region, a shopper aisle, and an exit region, said pole establishing an overhead signage sight height from the surface to the top, an overhead top connector assembly fixed to each of the first pole adjacent the top, a plurality of signage support assemblies removably coupled to the overhead top connector assemblies to define a boundary of the merchandising region including the entrance region, a plurality of signs suspended from the upper signage support assemblies and extending downwardly therefrom to a lower border to define a shopper line of sight region, a retainer connection assembly fixed to each of the first pole at a location defining a bay access elevation above the surface when the poles are inserted within the sleeves, a plurality of lower signage retainer assemblies removably coupled between retainer connector assemblies of adjacent said first poles in parallel relationship with the upper

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signage support assemblies, a plurality of lower couplers removably connected between the lower signage retainer assemblies and the lower border of the signs.

Feleppa (figure 88) shows a market place having a plurality of poles forming a retail area, the poles extending from the ground to a top.

Reilley et al (figures 1-2) shows a retail area having bays with merchandise and signage (50) hanging from the signage support supporting merchandise information (54), positioning the merchandise within the bay/niche below the bay access elevation.

Thornton (figure 1) shows a plurality of poles extending into sleeves (57) in the ground to support the poles, the poles being connected at the tops (34) with signage.

Howes Jr. shows a plurality of covers (14) covering a plurality of sleeves when the sleeve is not engaged with the poles to cover the holes against debris and people tripping, the insertion ends of the poles being in freely abutable contact with the sleeve engagement surface.

“Flea Market Slide Show” shows a signage “Cigars” being about 10-12 feet to advertise a product below.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool to show a plurality of anchors fixed beneath the surface in a geometric pattern within the retail region boundary, at least two of the anchors being mutually spaced apart a bay distance, each of the anchor having a vertically disposed sleeve having a support distance located below the surface and extending to an engagement surface, a plurality of first poles of first height, each pole having a top and an insertion end slidably inserted in the sleeve, the insertion end being in freely abutable contact with the sleeve engagement surface, the poles defining a merchandising region exhibiting an entrance region, a shopper aisle, and an exit

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region, said pole establishing an overhead signage sight height from the surface to the top, an overhead top connector assembly fixed to each of the first pole adjacent the top, a plurality of signage support assemblies removably coupled to the overhead top connector assemblies to define a boundary of the merchandising region including the entrance region, a plurality of signs suspended from the upper signage support assemblies and extending downwardly therefrom to a lower border to define a shopper line of sight region, a retainer connection assembly fixed to each of the first pole at a location defining a bay access elevation above the surface when the poles are inserted within the sleeves, a plurality of lower signage retainer assemblies removably coupled between retainer connector assemblies of adjacent said first poles in parallel relationship with the upper signage support assemblies, a plurality of lower couplers removably connected between the lower signage retainer assemblies and the lower border of the signs because having a plurality of poles extending into anchors/sleeves in the ground to define a retail area with the insertion end being in freely abutable contact with the sleeve engagement surface would provide for easy and quick assembly of the retail boundary as taught by Thornton and Feleppa and Howes Jr., having removable overhead signage attached to connectors at the top of the poles would allow for fastening of the signage to poles and advertising of merchandise as taught by Duarte "street banner pole", having a plurality of signs suspended from the upper signage support assemblies and extending downwardly therefrom to a lower border to define a shopper line of sight region would allow for the easy advertisement and showing of the available products as taught by Thornton and "Flea market Slide Show", having a retainer connection assembly fixed to each of the first pole at a location defining a bay access elevation above the surface when the poles are inserted within the sleeves would ensure the poles are securely

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fastened and not getting loose, having a plurality of lower signage retainer assemblies removably coupled between retainer connector assemblies of adjacent said first poles in parallel relationship with the upper signage support assemblies would allow for the easy advertisement and showing of the available products as taught by Thornton and Duarte “ page 2”, having a plurality of lower couplers removably connected between the lower signage retainer assemblies and the lower border of the signs would enable the support of signage and easy removable of the signage when not required as taught by Duarte “ cable snaps of banner”.

Per claim 19, Pool as modified shows all the claimed limitations except for the support assembly having an elongate cable, a cable tensioner coupled to the cable, two spaced apart spring actuated couplers manually connectable with the top connector assemblies.

Barnes shows a cable tensioning assembly coupling to the cable (the assembly on line 15, and the assembly on line 12, figure 1).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool's modified structure to show the support assembly having an elongate cable, a cable tensioner coupled to the cable as taught by Barnes, two spaced apart spring actuated couplers manually connectable with the top connector assemblies because having a cable and cable tensioner with two spaced apart spring actuated couplers manually connected to the connector assemblies would ensure the proper and straight support of the signage due to the adjustability of the length of the cable.

Per claim 20, Pool as modified shows all the claimed limitations except for the support assembly having an elongate cable, a cable tensioner coupled to the cable, two spaced apart spring actuated couplers manually connectable with the retainer connector assemblies.



Barnes shows a cable tensioning assembly coupling to the cable (the assembly on line 15, and the assembly on line 12, figure 1).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool's modified structure to show the support assembly having an elongate cable, a cable tensioner coupled to the cable as taught by Barnes, two spaced apart spring actuated couplers manually connectable with the retainer connector assemblies because having a cable and cable tensioner with two spaced apart spring actuated couplers manually connected to the retainer connector assemblies would ensure the proper and straight support of the signage due to the adjustability of the length of the cable.

Per claim 21, Pool as modified shows all the claimed limitations except for the lower couplers being configured to break away in response to the assertion of predetermined wind loads at the signs.

Duarte "page 2 to street banner pole" discloses cable snaps to support the length of banner at top and bottom.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool's modified structure to show the lower couplers being configured to break away in response to the assertion of predetermined wind loads at the signs because break away couplers coupling the signage support would allow the support to break away preventing damage to the signage once a maximum amount of allowable force is exceeded as taught by Duarte.

Per claims 22, 26, Pool as modified shows all the claimed limitations except for each sleeve engagement surface being at an elevation with respect to the paved surface selected to

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effect a linear alignment of the first pole tops or the sleeve engagement surface of the two anchors being at an elevation with respect to the paved surface selected to affect a common elevation of the second pole second tops.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool's modified structure to show each sleeve engagement surface being at an elevation with respect to the paved surface selected to effect a linear alignment of the first pole tops or the sleeve engagement surface of the two anchors being at an elevation with respect to the paved surface selected to affect a common elevation of the second pole second tops because it would enable the tops of the first poles to have the same height and the tops of the second poles having the same height which would result in aesthetic appearance for the retail store.

Per claim 23, Pool as modified shows all the claimed limitations except for two said anchors adjacent the boundary mutually spaced apart a banner width distance and located adjacent the entrance region, two second poles each having an insertion end configured for slidable insertion to the extent of the support distance within a said sleeve of one of the two anchors, the second pole height from the surface to a second pole top greater than the first height, an upper banner support assembly fixed to each of the second pole adjacent said second top, an upper banner connector assembly removably coupled to the two second poles at the upper banner connector assembly thereof, a banner removably coupled to the upper banner support assembly and extending downwardly therefrom to a lower banner edge.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool's modified structure to show two said anchors adjacent the boundary

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mutually spaced apart a banner width distance and located adjacent the entrance region, two second poles each having an insertion end configured for slidable insertion to the extent of the support distance within a said sleeve of one of the two anchors, the second pole height from the surface to a second pole top greater than the first height, an upper banner support assembly fixed to each of the second pole adjacent said second top, an upper banner connector assembly removably coupled to the two second poles at the upper banner connector assembly thereof, a banner removably coupled to the upper banner support assembly and extending downwardly therefrom to a lower banner edge because having two poles taller than the signage support at the entrance supported in sleeve with upper banner coupled to the two poles would allow a potential customer to view the installation at a distance and be attracted and enters the installation, and thus resulting in better sales, having an upper banner support assembly fixed to each of the second pole adjacent said second top, an upper banner connector assembly removably coupled to the two second poles at the upper banner connector assembly thereof, a banner removably coupled to the upper banner support assembly and extending downwardly therefrom to a lower banner edge would allow for the hanging and easy removable of the signage to the poles.

Per claims 24-25, Pool as modified shows all the claimed limitations except for the system further having a lower banner connector assembly fixed to each said second poles adjacent the lower banner edge, a banner retainer assembly removably coupled between the second poles at the lower banner connector assembly thereof, at least two lower couplers removably connected between the banner retainer assembly and the lower banner edge, the two coupler being configured to break away in response to the assertion of a predetermined wind load at the banner.

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It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Pool's modified structure to show the system further having a lower banner connector assembly fixed to each said second poles adjacent the lower banner edge, a banner retainer assembly removably coupled between the second poles at the lower banner connector assembly thereof, at least two lower couplers removably connected between the banner retainer assembly and the lower banner edge, the two coupler being configured to break away in response to the assertion of a predetermined wind load at the banner because having a lower banner connector assembly fixed to each second poles adjacent the lower banner edge would allow for the support of the banner at the lower banner edge thus resulting in the banner not moving in undesirable locations and directions, having a banner retainer assembly removably coupled between the second poles at the lower banner retainer assembly would allow for the easy hanging and removable of the banner at the poles, and having the two lower couplers removably connected and being break away coupler would enable the easy and quick assembly/disassembly of the banners at the poles and the break away coupler would ensure the banner not destroyed when the wind force is too high as the break away coupler would first break which would result in the banner not subjected to the previous major wind force.

### ***Response to Arguments***

Applicant's arguments and declarations filed 1/204/04 with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art shows different pole tensioning assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

4/19/04